

AN ORDINANCE

98988

AUTHORIZING 2003-2007 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$555,300 FOR ACQUISITION OF FEE SIMPLE TITLE TO ELEVEN (11) PARCELS OF REAL PROPERTY AND DECLARING THE MOBILE CITY ESTATES BUYOUTS (LEON CREEK) PROJECT ("PROJECT") TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS; BEING FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION ON THE APPROVED TERMS OF THE FOLLOWING PROPERTIES:

LOT(S)	BLOCK	NCB	SUBDIVISION
N ½ of Lot 3 and all of Lot 4	C	34760A	Mobile City Estates
3	A	34760A	Mobile City Estates
15	C	34760A	Mobile City Estates
16	C	34760A	Mobile City Estates
17	C	34760A	Mobile City Estates
20 and the N ½ of Lot 19	C	34760A	Mobile City Estates
22 and 23	C	34760A	Mobile City Estates
25	C	34760A	Mobile City Estates
26	D	34760A	Mobile City Estates
27	D	34760A	Mobile City Estates
28	C	34760A	Mobile City Estates

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WHEREAS, the Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is further necessary to acquire the fee simple title in eleven parcels of land for use as part of the Project and the property to be acquired is described in Section 3 below, and more fully in **Attachment I** attached hereto and incorporated herein for all purposes; and

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the property to be acquired; and

WHEREAS, independent appraisals for the property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Mobile City Estates Buyouts (Leon Creek) Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to certain privately owned real property, by negotiation and/or condemnation, if necessary, as part of the Mobile City Estates Buyouts (Leon Creek) Project in San Antonio, Bexar County, Texas.

SECTION 3. A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the property more specifically described in **Attachment I** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property".

SECTION 4. The approved compensation for the Property is shown in **Attachment I** which is attached hereto and incorporated herein for all purposes.

SECTION 5. The following financial adjustments are hereby authorized to effect this Ordinance:

- a) The amount of \$5,000.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 470443, entitled "Appraisal Services", and is authorized to be encumbered and made payable for appraisal services in connection with the Mobile City Estates Buyouts (Leon Creek) project.
- b) The amount of \$390,800.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 758391, entitled "Purchase of Land", and is authorized to be encumbered and made payable for purchase of land in connection with the Mobile City Estates Buyouts (Leon Creek) project.
- c) The amount of \$9,200.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 758409, entitled "Title Fees", and is authorized to be encumbered and made payable for title fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.
- d) The amount of \$55,000.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 758417, entitled "Environmental", and is authorized to be encumbered and made payable for environmental costs in connection with the Mobile City Estates Buyouts (Leon Creek) project.
- e) The amount of \$88,000.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 758425, entitled "Demolition", and is authorized to be encumbered and made payable for demolition in connection with the Mobile City Estates Buyouts (Leon Creek) project.
- f) The amount of \$7,300.00 is appropriated in Fund No. 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in Index Code 758540, entitled "Moving Expenses", and is authorized to be encumbered and made payable for moving expenses in connection with the Mobile City Estates Buyouts (Leon Creek) project.

SECTION 6. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owners are identified by a

Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest of the citizens of San Antonio to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 7. That in the event that the City staff is unable to acquire one of more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the Property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and/or the law firm of Bracewell & Patterson, L.L.P. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 8. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance shall be effective on the 4th day of April 2004.

PASSED AND APPROVED this the 25th day of March, 2004.

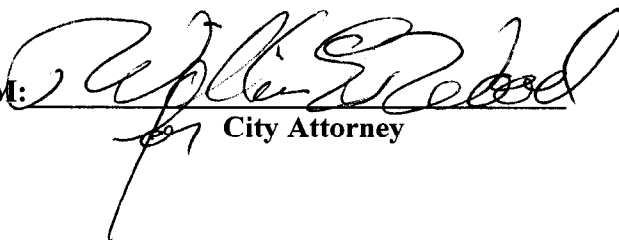


M A Y O R
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney